

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

# CODY EUGENE GUILLIANS

Plaintiff,

V.

## SPOKANE COUNTY JAIL,

Defendant.

NO: 2:16-CV-52-RMP

## ORDER DISMISSING COMPLAINT

1915(g)

By Order filed April 11, 2016, the Court advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days, ECF No. 8. Specifically, Plaintiff had failed to properly identify a Defendant or to present facts showing deliberate indifference to his health or safety. *Farmer v. Brennan*, 511 U.S. 825, 837 (1994). Plaintiff, a prisoner at the Spokane County Jail, is proceeding *pro se* and *in forma pauperis*; Defendant has not been served.

The Court had cautioned Plaintiff that if he failed to amend as directed or to voluntarily dismiss, the complaint would be dismissed for failure to state a claim upon which relief may be granted, which may adversely affect Plaintiff's future

1 ability to proceed *in forma pauperis*. Plaintiff did not comply with the Court's  
2 directives and has filed nothing further in this action.

3 Therefore, for the reasons set forth above and in the Court's previous Order,  
4 ECF No. 8, **IT IS ORDERED** the Complaint, ECF No. 7, is **DISMISSED** for  
5 failure to state a claim under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

6 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who  
7 brings three or more civil actions or appeals which are dismissed as frivolous or for  
8 failure to state a claim will be precluded from bringing any other civil action or  
9 appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious  
10 physical injury." 28 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory**  
**provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may**  
**count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may**  
**adversely affect his ability to file future claims.**

14 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
15 Order, enter judgment, forward copies to Plaintiff at his last known address, and  
16 close the file. The District Court Executive is further directed to forward a copy of  
17 this Order to the Office of the Attorney General of Washington, Corrections  
18 Division. The Court certifies any appeal of this dismissal would not be taken in  
19 good faith.

20 **DATED** this 13th day of June 2016.

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*s/ Rosanna Malouf Peterson*  
ROSANNA MALOUF PETERSON  
United States District Judge